

[i]

NEWS FROM
Doctor's Commons :

Or, A True

NARRATIVE

OF

Mr. *HICKERINGILL'S* Appearance there,
June 8. 1681.

Upon a Citation for Marrying People without Bannes or License.

WITH A

PROTESTATION

AGAINST THEIR

SPIRITUAL COURT.

To which is Added,

An ESSAY Concerning the Virtue of
SEQUESTRATIONS.

IT is too notorious and vulgarly known, that the *Wassish Swarms* in *Doctors Commons*, have been as *stinging as stingy* against Mr. *Hickeringill*; and the little *Insects* as full of malice as venom against him as their hearts could hold, ever since the Publication of the *Naked Truth, the Second Part*.

And yet, poor Hearts, they had better have been quiet and let him alone, for they always meddle with him to their hurt, as well as shame and confusion, and come home by weeping-crofs.

But some men will never take warning: *Quos Deus intendit perdere demeritas Prius*, was once accounted truth, though spoke by a Stoick.

*Men doom'd to Ruin when their Facts are bad,
Do blindly run upon their Death like mad.*

We will begin (as the *Men of Doctors Commons* did begin with Mr. *Hickeringill*, namely) with the Citation, in these words following.

A

Robertus

RObertus Wiseman, Miles & Legum Doctor, Almae Curiae Cant. de Archib-
bus, London, Officialis Principalis legitimè constitutus, Universis &
singulis Clericis & Literatis quibuscunque in & per totam Provinciam
Cant. ubilibet constitut. salutem. Vobis conjunctim & divisim committimus, ac
firmiter injungendo mandamus, quatenus (ratione literarum requisitoriarum ab
Ordinario loci obtent.) Citetis, seu citari faciatis peremptoriè Edmundum Hick-
eringill, Clericum, Rectorem Rectoriae & Ecclesiae Parochialis omnium Sancto-
rum in Villa Colcestriae in Com. Essex, Diac. Lond. Cantiaque Provinc. quod
compareat coram nobis, nostrove Secretario, aut alio Judice in hac parte compe-
ten. quocunque in Aula publica infra Hospitium Dominorum Advocatorum Lon-
don, locoque judiciali ibidem sexto die post Citationem hujusmodi ei in hac par-
te factam si Juridicus fuerit, alioquin proximo die Juridico ex hinc sequen-
tibus causarum ibidem ad jura reddenda consuet. certis Articulis, Capitulis,
sive Interrogatoriis meram animae suae, salutem, morumque & excessuum suorum
reformationem, & praesertim ejus solemnizationem, seu potius prophanationem
Matrimonii inter diversas personas clandestinè absque eorum Bannis in Eccle-
siis suis Parochialibus trinà vice publicatis, vel Licentibus sive facultatibus in
ea parte legitimè obtent juxta Canones & Constitutiones Ecclesiae Anglicanae in
ea parte editas & provisar, aliaque crimina & delicta concernen. ei cum ve-
nerit ex officio nostro ad promotionem Thomae Doughty, Generosi objiciend.
& ministrand. de Justitia sive juramento responsur. ulteriusque factur. & recep-
tur. quod justum fuerit in hac parte: & quid in praemissis feceritis, Nos no-
strumve surrogatum aut alium Judicem in hac parte competen. quemcunque de-
bite certificetis una cum presentibus. Dat. Tricesimo May, 1681.

WE live in an Age wherein some men are grown Libertines; and
since the Dissolution of the Parliament at Oxford, some are grown
so wonderful light and wanton, that they kick up their Heels at all Corre-
ction; and defie a Parliament with as much courage as they defie God and
the Day of Judgment, when they cry God-damn-me.

These are very merry days, if they would but last.

When Mr. Hickeringill came into the Hall at Doctors Commons, June 8.
1681. He went up to the Doctors, Habited in their Formalities, and with
their Caps on, and he also put on his Hat; which Sir Robert Wiseman no
sooner espied, but he bid Mr. Hickeringill be uncovered: But Mr. Hicker-
ingill replied to him in Greek, and to all Sir Robert's Repartees; and dis-
coursed for a considerable time: Mr. Hickeringill discoursed still in Greek;
at length Sir Robert's patience being spent, (and none of the Doctors would
find any more Greek to answer Mr. Hickeringill than Sir Robert did), it
was ordered, that this appearance, and Answer in Greek, only should be
Registred as a Non-appearance: Wherefore then Mr. Hickeringill did Re-
peat

peat in English that he had said in Greek; telling Sir Robert, that he first demanded to see or hear their Commission and Authority for citing him thus from his Family and Home, and out of the Diocess where he dwells, contrary to 23 H. 8. 9. And that till it did appear to him that this was his Majesties Court Ecclesiastical, he would pay no respect to it, nor be uncovered before men that were all (except Sir Robert) his Juniors at the University, and most of them very much his Inferiors in many other respects, not suitable to his modesty there to particularize; Degrees (so easily purchas'd) and empty Titles being admir'd by none but Women and Fools. Whereupon, instead of shewing a Commission, Sir Robert again bid him be uncovered, which still he refused: Then Sir Robert made signs to an old Fellow, a kind of Sumner, to come behind Mr. Hickeringill and snatch his Hat off, which he did; but Mr. Hickeringill forthwith snatcht his Hat from the said Fellow, and clapt it fast upon his Head, and there kept it during his stay there; throwing amongst them a Protestation (which was read in Court) and to this effect.

The Protestation of Mr. Edmund Hickeringill, Rector of the Rectory of *All-Saints* in Colchester, in the County of Essex, Delivered to Sir Robert Wiseman, at the Hall at Doctors Commons, June 8. 1681.

I Protest against all your Proceedings as contrary to his Majesties Laws and Prerogative, since you will shew no Commission derived from his Majesty for such Proceedings, and whereby you claim Jurisdiction over me, and that by the sight of which Commission, or hearing the same read, I might know whether it were requisite in my case and circumstances to appeal from the same, or make exceptions to the same, if it do not give you cognizance of the Crime, or pretended Crime, objected against me; and whether it be not counterfeit, or not Sealed with the Kings Great Seal of England: The old Ecclesiastical Popish Jurisdiction being (as their Divine-Service and Mass) Foreign, and in a Foreign Language, and exploded by 1 Eliz. 1. by the name of Foreign Jurisdictions, and the High Commission Court (by the same Statute, 1 Eliz. 1.) set up in the room thereof, being also exploded by 13 Carol. 2. 12. wherein his present Majesty obliges himself to grant no more Commissions Ecclesiastical, which makes me believe you have no Commission at all, nor Authority to cite me thus before you: And therefore it is that I will not be uncovered before you, until it appear that you are his Majesties Court Ecclesiastical, by Commission derived from him.

II. I protest against your Proceedings, because in the Citation of me (hither) there is no mention of the Kings Name, nor the Kings Arms in the Seal thereof, but only the name of Robert Wiseman, Knight, and Doctor of Law, and to appear before him or his Surrogate, whereas he is neither Arch-Bishop of Canterbury, nor so much as Dean of the Arches; and therefore he being (at best) but a Surrogate or Deputy, he cannot have nor constitute a Surrogate or Deputy under him.

III. I

III. I protest against your Proceedings, because I am cited out of the Diocess where I dwell, contrary to the 23. H. 8. 9.

IV. I protest against your Proceedings, because there is no certain day nor time mentioned in your Citation, to limit and direct my appearance at a time certain.

V. I protest against your Proceedings, because there is no certain and particular *penal Crime* (mentioned in particular in the Citation) to which and for which I am bound to make answer: For it is a *duty*, not a *crime*, for a Presbyter (as I am) to joyn People together in holy Matrimony; nor any Profanation, though the Register get not unmerciful and unjust Fees for a formal License; nor any penalty for marrying People without Bannes or License; nor any thing more customary or more universally practised among the Ministers in the Country, where I live, than to marry without Bannes or License: Nor do I acknowledge that the *sixty second Canon* (pretended to be confirmed by King James) is a Law of England, nor any other *Canons* or things that are not enacted and confirmed by King and Parliament; the naked truth whereof none dare deny, without incurring a *Premunire*; the King and Parliament together, having in England the only *Legislative power*. Besides, the *Canons* clash one against another; for those made in Queen Elizabeth's time order, That such as marry without Bannes or License, shall be suspended *ab officio*, for six months only: But the sixty second of King James's Canons decrees Suspension for three years; whereby it seems, the Synod-men, the longer they lasted, the more they grew and improved (not in goodness and mercy) but in rigour and severity. God bless us, and all Englishmen from such Legislators; and the bottom of the Plot, and design of that Canon and Prosecution upon the same, seems to be calculated to get money for Licenses, for the benefit of Registers, Commissaries, Officials, and such like motly-Crew and Lay-Elders, those Ecclesiastical Fellows, whilst the Ministers and Clergy do the drudgery, and truckle under them, and truckle for them: And is it not a Soul-saving and wholefom Canon, that stops a Ministers mouth, and silences him from Preaching the Gospel for three years together, because a couple are honestly married for Five Shillings, without giving the Commissaries, Officials, and Registers (those *Poscinumia & Crumine mulge*) eleven shillings and four pence more for a License?

VI. I protest against your Proceedings, *Argumento ad Hominem*, because according to your own (not my) Canons, no Sentence ought to pass upon a Presbyter, but by a Bishop; and here is no Bishop to hear the Proceedings, and therefore if afterwards any Bishop do pass Sentence, *Re in audita in propria persona*, He must do it by a blind implicit faith, in the reports of other men, which (I suppose) no Bishop will be so rash as to venture upon.

Edmund Hickeringill.

Mr. *Hickeringill* told Sir *Robert*, the penalty and danger incur'd by the said Statute of 23 *Hen.* 8, 9. for thus vexatiously citing him out of the Dioceſs; and threatned Sir *Robert*, that he would ſue him, and proſecute him according to that Statute.

But Sir *Robert* replied, That he would ſtop proceedings. Mr. *Hickeringill* (not content with that) replied, *Who ſhall pay me for the vexatious Citation, and unwarrantable trouble and charge you have put me to?*

But Sir *Robert* ſaid nothing to that, nor to the *Proteſtation*; it might as well have been *Greek*; for it *non-pluſt* all reply.

Nor are all the Sir *Roberts* (or) *Wiſemen* in *England* able to answer that *Proteſtation*; for who can patch up an old rotten foundation that (at firſt and at beſt) was but a Popiſh invention, not warranted in the Holy Scripture, for a Biſhop to yex and domineer, and pill and poll, and plague his Brethren, Clergy and Laity, biting and devouring (what even birds of prey will not do) their own Kind, in ſpight of the Law of *Chriſt*, *Luk.* 22. 25, 26.) by illegal Fees, Extortions, Exactions, Citations, Excommunications, Abſolutions, Diſpenſations, Commutations, Procurations, Viſitations, Sequeſtrations, &c.

Which laſt is an art ſo dark and unintelligible, and as little known, as ſeldom or never inſiſted upon, of all other the myſteries of *Inquiry*: which makes me ſubjoin this following *Eſſay*.

But ſome will ſay, if *Biſhops Courts* be diſſolved (as ſeems to be undeniably prov'd in the *Naked Truth*, and in a Book (ſo ſtiled) lately publiſhed; then what are Biſhops good for? And what ſhall they do? To which I answer, Let them ſit in *Parliament*, and other *Councils*, when his Maſteſty ſhall think fit to call them; let them ſay their *Prayers*, *Preach*, give *Alms*, *Baptize* and *Catechiſe*, and do the work of their *Ministry*; and if that be not work enough for one man, (which was a great deal more than the *Apoſtles* ever did, who never were *Parliament-men* nor *Privy-Counſellors*) then let them perſwade the *King* and *Parliament* (if they can) to ſet up their *High-Commiſſion Court* again, and give them *power* (as formerly) to be *miſchievous*.

Bleſs us, (good God!) what would *Ambition* and *Covetouſneſs*, *Rage* and *folly* be at, if it could ſpeak?

Is not ſtately *Lordſhips* and *Mannors*, *City* and *Country-houſes*, vaſt *Revenues*, and great and manifold *Preferments*, enough to ſatiſſie men, but they muſt rob the *Spittle*, and be uneaſie, except they have power to be *miſchievous*? Well, *God forgive them*, and give them *repentance*, (that's the worſt I wiſh them) and ſend them *more money*, and (when they have got *more wit* and *more grace*, then alſo, and not 'till then) *more Power*.

B

Ah

An Essay concerning Sequestrations, by Edm. Hickeringill.

IF ever any *Rags of Popery* remain in a Protestant Constitution and Government, (some think) that *old Popish Invention* called *Sequestration*, will still stand up and plead for its self.

Sequestration is a term of Art well known in the late Times, namely, when Lands in controversy or dispute, or in Abeyance, or in *rubibus*, are put into the hands of an indifferent person or persons to retain the rents and profits, or take them into custody, till the controversy be decided, and till there be a lawful Incumbent (by Institution and Induction); or, if a Donative, until the Patron do bestow the same upon a Clergy-man.

Sequestration is a *Roman word*, and honest enough, if it had not been so often abus'd; and where Arbitrary Government (as in the late times) comes in fashion, it is of use, of wicked use.

For *Silent leges inter arma*, we must not talk of Laws, of the ancient and fundamental Laws of England, when either War, Force, Popery (or its Twin) Arbitrary Government, comes into play, and is on the winning-hand.

The Pope had a Trick of old, when any Bishoprick or good Living became vacant, it should go hard but he would have a *snip out of it*, before he put in a new Incumbent; and this taking the Benefits into his own hand, he called *Sequestration*, (that is) keeping the profits in an indifferent hand, to be ready for the next lawful Incumbent, having some respect in the *interim*, in making some provision for the Cure, answerable to the profits of the vacant Benefice.

The Kings of England, and the Pope, have (of old) had many a *shrowd and weary Tugg* for the Profits in the Vacancies of Bishopricks, &c. But King Hen. 8. and his own Daughter Qu. Eliz. (that set the Pope at Defiance) made bold to keep the Profits of the vacant Bishopricks in their own hands; (right and good reason), for by 25 Edw. 1. 1. the Kings of England are declared the sole & only founders of Bishopricks, and Archbishopricks, &c. as other great men of the Realm, and Lords of Mannors, &c. endowed the Parish-Churches; and therefore the custody of the Profits of the Benefice (in the Vacation) belongs to the Patrons, and of the vacant Bishopricks to the King (and not to the Bishops) by 25 Edw. 3. Anno Dom. 1350, and by the Statute of Carlisle 35 Edw. 1. 1.

How comes the Pope then, and Bishops, to be so busie in sending out *Sequestrations* in every Vacancy? why, some men love to be doing, if it be but at small games (they'll play) rather than stick out; and send out *Sequestrations*, if but for the fee sake; come, come, something has some favour. For some men dare in defiance of the said Statute, take upon them to Sequester the Profits of vacant Benefices, which the said Statutes do aver to belong to the Patrons, in these very words 25 Edw. 3. Kings, Earls, Barons, and other Nobles, as Lords and Advoweers, have had and ought to have the custody of such voidances. Besides, men that love to be dabling, and have an Oar in every Boat, they think there is some sport in casting the Net, though it does not always bring store of Fish in't.

But a main reason certainly is, That they cannot endure to hear that Ecclesiastical Profits should come into (though they came out of) *Lay-fingers*. And therefore a heavy-do they kept (the Bishops) with Q. Eliz. for keeping the

the Bishoprick of *Ely* so long vacant, and sequestering all the stately Mannors, Rents, Revenues (one of the best in *England* at that time) and putting the moneys thereof, (as at this day) into (a place that often needs the same) the *Exchequer*.

Putting off the fretting-Bishops with a Complement, namely that she kept the said stately and rich Bishoprick vacant so long (as only) till she could find a man *fit* for it. And the man that *sitted her pretensions* (that is) would be content to part with the said rich Lordships, Rents and Revenues, and *in lieu thereof* take a Pension, was *the man* for her purpose, resigning all to the Crown, (from whence they came, and that chang'd the rich Abbey of *Ely* into a *Bishops-See*, in the reign of *Hen. 1.*) and in exchange, contented with a yearly Pension out of the said *Exchequer* in ready money when he gets it.

Thus *Hen. 1.* kept the Archbishoprick of *Canterbury* by Sequestration; from the death of *Anselm* (five years) till *Rodolph* (a man for his turn) succeeded; that *Rodolph* that would not consecrate *Thurstan* Archbishop of *Tork*, except he would swear obedience to him in the *See of Canterbury*: *Thurstan* scorn'd the motion, and the Pope took part with *Thurstan*, and bid him *not yield an inch*; but *Rodolph* endeavour'd to be above him, and the King took part with *Rodolph*, but to *no purpose*; for the King was glad (at length) to connive and *submit*.

Nay, that I'll say for the Clergy in Popish times, and foppish times, they shall *jussle* for the place, and *bustle* for profit (where there's any to be got) (as well as the best carnal Lay-man of them all.

And the *true reason* (in Law) why the King, Nobles, Patrons, &c. ought to have this Priviledg (which the Pope and Bishops have long usurpt), is (saith my Lord *Cook*) because the King is *sole founder* of Bishopricks, and *Instit. 1 Part;* Patron of Benefices; and at this day, all Donatives (which the King *P. 344.* creates) shall (for this reason) be visited by the Chancellor (not the Bishop nor Arch-deacon.) And if the King license a subject to erect and found a Church or Chappel, it is to be visited by the *founder only*, not by the Bishops; And by parity of reason, the Churches and Chappels of dissolved Monasteries are to be visited by the owners only, that bought and paid for them. And for like reason Kings of *England* (before the Pope's Usurpation) (as sole owners and founders of Bishopricks) did deliver to the Bishop-Elect the *Crozier* or Pastoral staff, and the Ring, whereby there was a *wedding* made betwixt him and his Church-Cathedral, or Mother-Church. And *K. Hen. 1.* (being requested by the Bishop of *Rome* to make the Bishopricks *Elective*) refused; but King *John* was glad to part with this choice flower of the Crown to preserve the Crown its self; of which otherwise that Bishop had made bold to deprive him. *Bak. Chron.*

'Tis true, at this day the Bishops are (in effect) the *Kings creatures*, I mean of his creation only, and the Election (by the Chapter, &c.) is but *meer form*; but still the Chapter (at this day) does not part with this shadow; as neither with their grants of Sequestrations, Licenses to Preach, Ecclesiastical Court-keeping, demand of Synodals, Procurations, exacting Fees and Oaths from Churchwardens, (unconscionable Oaths like the *&c.* Oaths, and impossible to be kept) all, all shadows that still they dote on, how illegal soever, and ridiculous to all unbiaſt and knowing men.

One would think the Pope might be satisfied with *St. Peter's Patrimony* (as big and rich as all *England*) in *Italy*, at least with those many happy obventions for Indulgences, Jubilees, Miracles, Canonizations, Annates,

Installations, Pensions, Consecrations, &c. and not (as he does) claim and get the *fruits also*, and *Tenths* of every Benefice in Popedom.

And one would think that the *magnificent and extravagant* charity and benevolence of those that founded and endowed the Bishopricks in *England* with *such large Immunities, Profits, Honours, Priviledges, Mannors, Palaces, Country and City-houses, &c.* might content the *greediest Bishop* in Christendom, without *snipping* some part of the *fleece* of every flock.

Surely they do esteem themselves of another make, another temper, other mettall, and of another mould than other Priests; or, at least, that the Bishop is *the man*, and the Rectors and Vicars, but *his Journey-men*, or Curates; (for so it seems to be intimated by that passage, *Send down upon our Bishops and Curates*); and as if the Rectors and Curates in *England* had not as *undoubted* a right and *Freehold* in their Benefices, as a Bishop in his Bishoprick; which (as they certainly have) so they cannot be deprived or lose the same, but by *twelve men of their Peers*, according to those Statutes (that one would wonder at the *impudence* of such as dare invade them), namely, 9 *Hen.* 3. 29.—25. 25 *Edw.* 3. 4.—28 *Edw.* 3. 3.—36 *Edw.* 3. 15. 17 *Car.* 1. 10. And they will certainly come within the danger of those Statutes whenever they are so venturous as to trust to their Sequestrations as a Title in Law, or think it sufficient whereupon to ground an Ejectment, or dispossess any man of his Possessions; whether his Title to that Possession be good or bad, it is not of spiritual cognizance; for a Benefice, whether void or not void, shall be tried by the Common-Law. And God keep us all and our Freeholds from *Arbitrary-sway*, and out of the *hands* (shall I say?) clutches and *paws* of *greedy dogs* that can *never have enough*, I mean unreasonable and wicked men, “who show their abilities in nothing more than being able to crush; the more’s the pity, (I say again) that they should have more power than wit or grace.

“Thus in the days of Popery, if there hapned to be in any part of the “Land, a supereminent piece of *good land*, fat Meadows, pleasant and “stately timber’d woods, a serene air, a rich soil, and a convenient situation and habitation, then the *Church-mens fingers* itch to be at it, and “then—*Hey*—for St. Clare, St. Katharine, or St. Bennet. The *good* “land was soon converted to Popery and Superstition, and became— “the *Holy land*, and *Church-land*, belonging to an Abbey, Priory or Nunnery of the *Benedictines, Franciscans, Dominicans, Carthusians, &c.*

“And though this *Spiritual Jingo Janitus* is clear enough discovered in “*England*, yet still the same itch sticks to some mens fingers; and they are “still in defiance of Statutes, (mens Proprieties, Advowsons, and Lay-fees), “scratching and clawing, fingering, and playing their tricks and their pranks “with the *Leiger-demain* of a Sequestration; playing their Canons and “Proclamations (as of old *most Arbitrarily*), against the Sacred and fundamental Statutes of the Realm; and is it not, *high time* then that they “should be lookt after, what were the men that occasion’d (by evil counsel) the *Veterane mischiefs*?

And if at *this time of day* they be so daring and bold, when their Jurisdiction is so *cripled*, what would they do, nay, what would they not do, if they again retrieve (as some men hope) their *High-Commission Court*? without which, what (ever did, or ever) can their inferior Courts signify, more than a *May-game*, or to be laught at? “But, if the *Inquisition* be “set up again, then have at the *Naked Truth* with fire and faggot, Bell, Book “and Candle, and with a vengeance: But, *Dat Deus immiti cornua curia.*—

Cook. Instit.
part 1. 344. 2.